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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

17 WILSON & COUSINS DIVISION OF) Case No. CV-08-0098-PJH
18 PALAMAR INDUSTRIES, INC.,)
19 Plaintiff,)
20 V.)
21 T. CHRISTY ENTERPRISES, INC.,)
Defendant.)
)

24 On January 7, 2008, Plaintiff Wilson & Cousins Division of Palamar Industries, Inc.
25 (“W&C”) commenced this action alleging trademark infringement and other claims against
26 defendant. W&C contemporaneously filed therewith an application for a temporary
27 restraining order (“TRO”) and order to show cause why a preliminary injunction should not
28 issue. On January 7, 2008, the Court entered an order setting a briefing schedule and a

1 hearing on the TRO for January 23, 2008 at 9:00 a.m. The parties have conferred and agreed
 2 to enter this stipulation and proposed order.

3 W&C and Defendant T. Christy Enterprises, Inc. hereby stipulate and agree that T.
 4 Christy Enterprises, Inc., its officers, agents, servants, employees, and attorneys, and all
 5 persons in active concert and privity with them, who receive actual notice of this order ("T.
 6 Christy"), are hereby temporarily enjoined, pending decision on the order to show cause
 7 referenced below in Paragraph 3, as follows:

8 1. T. Christy shall not sell or distribute any check valve or hose nozzle products
 9 that feature the UL or ULC Listing Mark Control Number 27GH, any other UL or ULC
 10 Listing Mark Control Number assigned by UL or ULC to W&C, the W&C model numbers
 11 IE144T, IE144G and HNL-206T, or any check valve trade dress that is confusingly similar to
 12 W&C's check valve trade dress¹, unless those products are manufactured or authorized by
 13 W&C; and

14 2. T. Christy shall not display or depict any W&C product, the W&C model
 15 numbers IE144T, IE144G and HNL-206T, the W&C trademark known as the W&C Helmet
 16 Mark, a copy of which is reproduced below, the W&C check valve trade dress, or any
 17 confusingly similar trademark or trade dress, in its catalog, on its website, or in any
 18 advertising or promotional materials in order to sell or distribute products not manufactured or
 19 authorized by W&C.

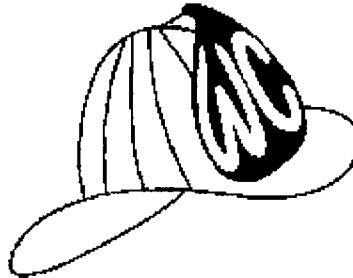
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24 ¹ The W&C check valve trade dress is defined for purposes of this order as the combination of
 25 the following elements: "UL" and "ULC" marks, placed side by side toward the top of the
 26 valve; followed underneath by the upper-case characters "LISTED", the product control
 27 number "27GH," and the term "CHECK VALVE"; towards the bottom of the valve, a Factory
 28 Mutual approval mark, namely, a diamond symbol encasing the letters "FM", and an
 uppercase letter "S" placed directly to its right; rotating the valve 180 degrees, the display of a
 directional water flow arrow with the number "4" placed immediately to the right of the
 arrow; and directly underneath those symbols, the characters "300 LB," the characters
 "IE144T" or "IE144G"; and the year of manufacture (e.g., "06").



To provide the parties with an opportunity to reach a final settlement of this matter, W&C and T. Christy further stipulate, subject to the approval of the Court, that:

3. The January 23, 2008 hearing on W&C's Motion for a Temporary Restraining Order is hereby vacated. A hearing on an order to show cause why a preliminary injunction should not issue is set for February 27, 2008, at 9:00 a.m., or at such other time as may be set by the Court. Any opposition by T. Christy shall be filed and served no later than 14 calendar days before the hearing date, and any reply by W&C shall be filed and served no later than 7 calendar days before the hearing.

4. This stipulation shall be without prejudice to the parties' respective positions on the merits of this action, including without limitation the parties' respective positions on the order to show cause why a preliminary injunction should not issue.

Dated: January 11, 2008

Respectfully submitted,

By: 

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Palamar Industries, Inc.

1 Dated: January 11, 2008

2
3 By: 
4

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PAUL A. STEWART
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5 Attorneys for Defendant T. Christy Enterprises, Inc.
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

12 Dated: _____
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HON. PHYLLIS J. HAMILTON
UNITED STATES DISTRICT JUDGE